HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 82 (S/S) 2004

1. Naval Kumar Jakhmola S/o Sri S.P. Jakhmola,
   Presently working at ITI, Pithoragarh.
2. Pratap Singh Bankoti S/o Sri Ram Singh,
   ITI, Champawat.
3. R.P. Pandey S/o Sri Banshidhar Pandey,
   ITI, Betalghat, Nainital.
4. Surya Prakash Lakhera S/o Sri Prem Dutt,
   ITI, Doiwala, Village Narangi Post Bagri,
   Tehri Garhwal,
5. D.K. Sharma S/o Madhav Ram Sharma,
   ITI, Sadar Koirala,
6. Rajendra Singh Negi S/o Amar Singh Negi,
   ITI Doiwala, village Amgaon, Post Angar,
   Pauri Garhwal,
7. Girish Joshi S/o Sri Ramesh Joshi,
   ITI, Pithoragarh,
8. Sanjeev Kapoor S/o Vidhya Bhushan Kapoor,
   ITI Zahrikhal, Pauri Garhwal,
9. Vijay Kant Dixit S/o J.P. Dixit,
   ITI, Zahrikhal, Pauri Garhwal
10. C.S.Joshi S/o Sri B.D. Joshi,
    ITI, Almora, Mohalla Kapina, (Jakhan Devi),
    Almora,
11. Devraj Rautela S/o Sri Ram Singh Rautela,
    ITI, Danya, village Karala Gaon,
    Post Oakhli Sirod, Bageshwar,
12. Girish Chandra S/o Gopal Chandra,
    ITI, Tapovan, village Sair, Post Simli, Chamoli,
13. Chandra Dutt Ghildiyal S/o Sri J.D. Ghildiyal,
    ITI Almora, Mohalla Dhungadhar, Almora,
14. Harish Chandra Suyal S/o Sri N.D. Suyal,
    ITI, Almora, Mohalla Kanauli Lower Mall Road,
    Almora,
15. Lalit Tilara S/o Sri Mohan Singh,
    ITI, Danya, village Khas Tilari, Post Barecheena,
    Almora,
16. Pramod Naithani S/o Sri Ganesh Prasad,
    ITI, Dugudda, village Shivpur Near Manpur Chauraha,
    Kotdwar, Pauri Garhwal,
17. Mahesh Ch. Kokila S/o Sri nanda Ballabh,
    ITI, Sitarganj, village Nawar Khedda,

Post Kathgodam, district Nainital,

18. Arun Panwar S/o Sri Umrao Singh Panwar,
ITI, Doiwala, village Nalapani, Post Tapovan Ashram,
Raipur, Distt. Dehradun,

19. Sunil Thapliyal S/o Sri Gajendra Datt Thapliyal,
ITI, Chirbatia, Tehri Garhwal

20. Gajendra Singh Chauhan S/o Sambal Singh Chauhan,
ITI, Chirbatia, Tehri Garhwal

21. Rakesh Kothiyal S/o Sri Chandra Mani Kothiyal,
ITI, Chirbatia, Tehri Garhwal.

22. Smt. Asha Dhapola W/o Sri Prakash Ch. Dhapola,
ITI, Kanda, village Dhapoli, Post Garampani,
District Bageshwar

23. Ramesh Chandra Pandey S/o Sri Girish Ch. Pandey,
ITI, Tandi, village Majhera, Post Garampani,
District Nainital.

24. Naveen Ch. Pandey S/o Sri Kheemanand Pandey,
ITI, Khetikhan, Champawat.

25. Than Singh Bisht S/o Sri Chandan Singh Bisht,
ITI Tandi, village Majhera, Post Kasyalekh, Dhari,
District Nainital,

26. Jagat Singh S/o Sri Anand Singh,
ITI, Haldwani, Nainital.

27. Kailash Chandra Chandola S/o Sri Govind Ballabh,
ITI, Dineshpur, village Gaujajali Post Arjunpur,
Haldwani, Nainital.

28. Har Singh S/o Sri Bachi Singh,
ITI, Okhalkanda, Distt. Nainital.

29. Mohan Singh Chilwal S/o Sri Ram Singh,
ITI, Okhalkanda,
District, Nainital.

30. Pramod Chandra Bhatt,
ITI Khetikhan, Champawat
District Champawat. ------Petitioners.

Vs.

1. State of Uttaranchal, through Labour Secretary,
Uttaranchal Sashan, Dehradun,
2. Director Training & Employment Uttaranchal,
At Haldwani, Nainital.
3. Principal, I.T.I., Pithoragarh. ----Respondents.

Sri I.P. Naithani, learned Senior Counsel assisted by Sri S.S. Yadav, learned counsel for the petitioner.
Learned Standing Counsel for the State /respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri L.P. Naithani, learned Senior Counsel assisted by Sri S.S. Yadav, learned counsel for the petitioner and learned Standing Counsel for the State/respondents.

The petitioners who were appointed as Instructors in various I.T.Is. of the then erstwhile State of U.P. (now in the State of Uttaranchal), by means of this writ petition, have prayed to issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the petitioners for their regularization and further to give minimum of pay-scale till their services are regularized.

Counsel for the parties have submitted that the controversy raised by means of this writ petition has already been settled by the Allahabad High Court on 16.02.2004 in writ petition no. 5683(ss)1995 U.P. Rajkiya Adyogik Prashikshan Sansthan Dainik Vetan Karmchari Kalyan Samiti, Lucknow and another vs. State of U.P. & others. The petitioners, in the aforesaid writ petition were similarly situated persons and they were also appointed on daily wage basis as Instructors in the different I.T.Is. of the State, alongwith the petitioners.

By the aforesaid judgment, the Allahabad High Court has directed the respondents to consider regularization of petitioners in that writ petition who were working on the post of Instructors on daily wage basis prior to 30.06.1998 against the existing vacancies which have come outside the purview of Public Service Commission, before making any regular appointment in accordance with relevant rules, as expeditiously as possible, preferably with a period of two months.

Submission of the learned counsel for the parties is that the case of the present petitioners may be disposed of on the same terms and observations made in the said judgment.

In view of this statement and considering that the Allahabad High Court in the aforesaid judgment has already settled the controversy raised in the present writ petition, the present writ petition is also disposed of on the same terms, conditions and observations made by the Allahabad High Court in writ petition no. 5683 (ss)1995 U.P. Rajkiya Aydyogik Prashikshan Sansathan Dainik Vetan Karmchari Kalyan Saimit, Lucknow and another vs. State of U.P. &, others delivered on 16.02.2004.

(M.M. Ghildiyal, J.)

October 25, 2005:
NCM: